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## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
HENRY MOUNTAIN RESOURCE AREAP.O. BOX 99  
HANKSVILLE, UTAH 847343809  
(UT057)

RECEIVED

September 4, 1992

SEP 10 1992

Mr. Tim Thomas  
Box 179  
Torrey, Utah 84775DIVISION OF  
OIL GAS & MINING

Dear Mr. Thomas:

Your notice to conduct mining operations on the Peacock 1 and 2 claims in Section 30, T.29 S., R.5 E., has been accepted by this office and assigned case file number UT-057-HMRA-92-7N. However, it is still our opinion that the material that you are removing is common variety stone and is therefore not locatable under the mining laws. The unauthorized use or disposal of common variety mineral material from a mining claim located after July 23, 1955, is a trespass regardless of whether there is a valid discovery of other locatable minerals. The taking of mineral materials which are subject to sale under the Act of July 31, 1947, as amended, without benefit of a material sale permit is a trespass.

If the material you are removing is found to be of common variety, you will be considered to be in innocent trespass and will be required to reimburse the United States Government for the value of the material in place.

If you will relinquish your mining claims on this property, we will issue you a lease for building stone at the existing site.

A copy of your notice has been forwarded to the Utah Division of Oil, Gas and Mining (DOGM); thus, you will not have to file it with DOGM. However, reclamation under this notice is required to conform to standards of the Utah Mined Land Reclamation Act. Also, all mining claimants and operators that plan to use, store, or divert water are required by Utah statute to notify the Utah Department of Water Resources at:

1636 West North Temple  
Salt Lake City, Utah 84180-1203

As required by 43 CFR 3809 Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations and reclamation, so an inspection may be conducted on the site.

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Acceptance of your notice will not now, nor in the future, serve as determination of the validity nor ownership of any mining claims included under your notice.

Thank you for submitting your notice. If you have any questions, please contact Francis Rakow.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheldon Harmonie".

~~Acting~~ Area Manager

cc: Mr. Terry Hopkinson  
Utah Division of Oil,  
Gas and Mining ✓